

# HOUSE . . . . . No. 2620

By Mrs. Walrath of Stow, petition of Patricia A. Walrath and others for legislation to further regulate the disclosure of medical records. The Judiciary.

## The Commonwealth of Massachusetts

### PETITION OF:

Patricia A. Walrath	Edward G. Connolly
Pamela P. Resor	Thomas P. Kennedy
Richard T. Moore	David Paul Linsky
Scott P. Brown	Anthony J. Verga
Kathi-Anne Reinstein	Dianne Wilkerson
Jennifer L. Flanagan	Marie P. St. Fleur
Christine E. Canavan	Jarrett T. Barrios
Emile J. Goguen	Susan C. Fargo
Joyce A. Spiliotis	Louis L. Kafka
Paul J. Donato	

In the Year Two Thousand and Five.

AN ACT FURTHER REGULATING THE DISCLOSURE OF MEDICAL RECORDS.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Chapter 93 of the General Laws is hereby  
2 amended by adding the following section:—  
3 Section 115. Any direct mail marketing of a medical product to  
4 consumers shall identify the source from which the mailing list  
5 was derived. Any person who violates the provisions of this  
6 section shall be liable for a civil penalty of not more than \$100.  
7 An individual aggrieved by violation of the provisions of this  
8 section may notify the office of the attorney general. The attorney  
9 general may promulgate rules or regulations necessary to imple-  
10 ment and enforce the provisions of this section.

1 SECTION 2. Chapter 111 of the General Laws is hereby  
2 amended by inserting after section 205, as appearing in the 2002  
3 Official Edition, the following section:—

4 Section 205A. No person in possession of medical record shall  
5 transmit identifiable patient information on the internet without  
6 the prior written approval of said patient; provided, however, that  
7 said patient shall be informed of the measures employed to protect  
8 the security of such transmission.

1 SECTION 3. Chapter 112 of the General Laws is hereby  
2 amended by inserting after section 30, as so appearing, the  
3 following section:—

4 Section 30A. No registered pharmacist shall sell, provide or  
5 distribute, directly or indirectly, any information to any person for  
6 marketing purposes, including, but not limited to, mailing lists.

1 SECTION 4. Said chapter 112 is hereby further amended by  
2 inserting after section 41A, as so appearing, the following  
3 section:—

4 Section 41B. No retail drug business shall sell, provide, or dis-  
5 tribute, directly or indirectly, any information to any person for  
6 marketing purposes, including, but not limited to, mailing lists.

1 SECTION 5. Section 13 of chapter 175I of the General Laws,  
2 as so appearing, is hereby amended by adding the following para-  
3 graph:—

4 No insurance institution, insurance representative or insurance  
5 support organization shall sell, provide, or distribute, directly or  
6 indirectly, any information to any person for marketing purposes,  
7 including, but not limited to mailing lists.